

EDUCATION DEPARTMENT[281]

Notice of Intended Action

Proposing rule making related to funding for children residing in state institutions or mental health institutes and providing an opportunity for public comment

The State Board of Education hereby proposes to amend Chapter 34, "Funding for Children Residing in State Institutions or Mental Health Institutes," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 256.7(27).

State or Federal Law Implemented

This rule making implements, in whole or in part, 2019 Iowa Acts, House File 421.

Purpose and Summary

These technical amendments remove obsolete references to the Iowa Juvenile Home, as required by 2019 Iowa Acts, House File 421.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

By statute, no waiver is possible or permitted.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on September 15, 2020. Comments should be directed to:

Thomas Mayes
Department of Education
Grimes State Office Building, Second Floor
400 East 14th Street
Des Moines, Iowa 50319-0416
Phone: 515.242.5614
Fax: 515.242.5988
Email: thomas.mayes@iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held in person and via video conference as follows:

September 15, 2020
2:15 to 2:30 p.m.

State Board Room, Second Floor
Grimes State Office Building
Des Moines, Iowa
Via video conference
doe.zoom.us/j/98138678227?pwd=NE11VUVldEtTd29QbnlsaVhhdytXZz09

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs by calling 515.281.5295.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule 281—34.1(218) as follows:

281—34.1(218) Scope. These rules apply to the funding and provision of appropriate educational services to children residing in the following institutions under the jurisdiction of the director of human services: the Mental Health Institute, Cherokee, Iowa; the Mental Health Institute, Independence, Iowa; and the State Training School, Eldora, Iowa; ~~and the Iowa Juvenile Home, Toledo, Iowa.~~

ITEM 2. Amend rule **281—34.2(218)**, definition of “Institution,” as follows:

“*Institution*” means the Mental Health Institute, Cherokee, Iowa; the Mental Health Institute, Independence, Iowa; and the State Training School, Eldora, Iowa; ~~and the Iowa Juvenile Home, Toledo, Iowa.~~

ITEM 3. Amend subrule 34.4(2) as follows:

34.4(2) ~~*Students served at the State Training School at Eldora and the Iowa Juvenile Home at Toledo.*~~ The State Training School at Eldora ~~and the Iowa Juvenile Home at Toledo~~ shall notify the AEA in which the institution is located and the district of residence of each child who on the date specified in Iowa Code section 257.6, subsection 1, is residing in ~~these institutions~~ the institution if the child's release date is known and the release date is within the current school year. The notification shall occur on or before October 10. For students served pursuant to an IEP, the State Training School at Eldora ~~and the Iowa Juvenile Home at Toledo~~ shall by the last Friday in October also notify the AEA in which the institution is located and the district of residence of each child residing in ~~these institutions~~ the institution if the child's release date is known and the release date is within the current school year. Notifications shall be in writing or in a printable electronic medium and shall include the child's name, birth date, and grade level and the names and addresses of the child's parents or guardians.

ITEM 4. Amend paragraph **34.6(3)“d”** as follows:

d. The State Training School at Eldora ~~and the Iowa Juvenile Home at Toledo~~ may include in ~~their~~ its budget an amount that represents the difference between the amount established pursuant to Iowa Code (2003) section 282.28 and approved by the department for the 2003-2004 fiscal year included in the fiscal year beginning July 1, 2003, and the amount ~~each~~ the institution has budgeted under paragraph 34.6(3) “c.” The budget amount shall increase annually by the allowable growth rate established for that year.